

## **MARINE AND PORT ADVISORY COMMITTEE**

### **Meeting Minutes**

PURSUANT TO Board of County Commission Resolution No. 057-1991 the Marine and Port Advisory Committee of Monroe County conducted a meeting on **November 7, 2012** beginning at 6:49 PM at the Marathon Government Center, 2798 Overseas Highway, Marathon, Florida.

#### **MARINE AND PORT ADVISORY MEMBERS:**

William Hunter, Chair	Present
Mimi Stafford, Vice Chair	Present
Lilli Ferguson	Present
Phil Goodman	Present
Paul Koisch	Present
Rudy Krause	Absent
Pam Martin	Present
Sandy Walters	Absent
Pat Wells	Absent
Pete Worthington	Present

#### **STAFF**

Richard Jones, Sr. Administrator	Present
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#### **MOTIONS MADE**

##### **Motion 1**

To approve the agenda

Motion/Second	Passed
Phil Goodman/Lilli Ferguson	Unanimously

##### **Motion 2**

To approve the July 31, 2012 MPAC Meeting minutes

Motion/Second	Passed
Mimi Stafford/Phil Goodman	Unanimously

### **Motion 3**

To have Chair Hunter present an MPAC annual report to the BOCC.

Motion/Second

Passed

Pete Worthington/Mimi Stafford

Unanimously

### **CALL TO ORDER**

Committee Chair, Bill Hunter, called the meeting to order at 6:49 p.m.

### **PUBLIC MEETING**

**Motion: Mr. Goodman made a motion to approve the agenda. Ms. Ferguson seconded the motion. There was no opposition. The motion passed unanimously.**

#### **Item 1. Approval of Minutes from the July 31, 2012 MPAC Meeting**

**Motion: Ms. Stafford made a motion to approve the July 31, 2012 MPAC meeting minutes. Mr. Goodman seconded the motion. There was no opposition. The motion passed unanimously.**

#### **Item 2. Update on implementation and enforcement of the Pilot Program anchoring ordinance**

Mr. Jones provided an update on the Pilot Program. Mr. Jones reported that the Pilot Program anchoring ordinance was adopted last month. It will go into the code and run until July 1, 2014 unless extended by the Legislature. Before enforcement happens some educational outreach will be implemented through brochures, as well as on the website, explaining the managed anchoring zones and no anchoring buffer zones. Proof of pumpout for the managed anchoring zones cannot be enforced until the pumpout boats are available, which the County is working on the pumpout contract currently. Florida Fish & Wildlife Commission (FWC) held a meeting recently where each and every rule of the ordinance was discussed, as well as how enforcement would work. The regulations will be phased in by zone as implementation of information and possible marking on the water is done. National Marine Waste Foundation was chosen in 2011 by the Board of County Commissioners (BOCC) as the pumpout vendor. There will be no fees for pumping out in order to maximize the incentive for people to use the service. Mr. Jones reminded the committee members that this is a test program, especially when it comes to enforcement. It is anticipated that the pumpout contract will go before the BOCC in December and, if approved, January 1 of 2013 will be the targeted start date for National Marine Waste Foundation to begin pumping out.

Mr. Jones explained to Chair Hunter that the public will be able to read the ordinance online and the ordinance regulations will be described in a brochure in laymen's terms that can be handed out at marinas and by pumpout vessel operators and law enforcement officers. The County will also do press releases.

Mr. Worthington inquired into Islamorada's access to the pumpout boat. Mr. Jones explained that the contract with the pumpout vendor is between the County and the vendor and does not include any of the cities. The City of Key West will still pump out boats within 600 feet of their shore and in their mooring field. Marathon will continue to pump out not only their mooring field, but all of Boot Key Harbor as well. Mr. Jones has informed the Near Shore Committee Chair for Islamorada that the County will pump out outside of their 1200 ft jurisdictional boundary. The County's pumpout boat will not be prohibited from pumping any anchor-outs close to the shoreline, but the County will not go into Islamorada's marinas, which should have their own pumpouts available. Mr. Jones clarified for Chair Hunter that the Wisteria Island area will be pumped out by the County since it is unincorporated Monroe County. The pumpout vendor's contract does allow for pumping out boats in marinas in unincorporated Monroe County (after anchor-outs are pumped out). The pumpout vendor will have a quota of boats to pump out in order to get their full quarterly payments, based on a per pumpout cost. Once they reach that number of boats, it is up to them whether or not they service additional vessels at marinas. The contract is for two years with language that it can be amended for several one-year terms after that, but the contract may be revised at any time.

Mr. Jones reminded the committee members that, according to the comp plan, marinas are required to have a pumpout facility. While the County's pumpout program is developing, the comp plan and the land development regulations (LDRs) are being revised, and may require that all marinas of ten slips or more, or one liveaboard slip, have a pumpout. Therefore, there is now every potential for every boat to get pumped out.

Mr. Worthington described the details of how the City of Marathon was successful in getting the boats in their marinas pumped out. Mr. Koisch inquired into whether anybody tests the waters in the marinas to ensure the enforcement of pumpout in marinas. Mr. Jones indicated that there are no such measures. Mr. Jones believes marinas should have their own internal policy requiring every person living aboard to use the marina's pumpout. Mr. Jones added that a policy, such as that included the Pilot Program's proof of pumpout requirement, could potentially include marinas. Chair Hunter questioned whether allowing the pumpout vendor to negotiate with marinas for providing pumpout would help facilitate pumpouts in marinas. Mr. Jones agreed that the County's current pumpout program lessens a marina's incentive to run their pumpouts at all anymore. The pumpout vendor does not have a financial incentive to go over and above their quota, but does have an incentive to succeed since this is the first program of its kind in the state.

and the whole country is going to be looking at this program because it has never been done before. Mr. Koisch suggested providing for a financial incentive to pump out beyond the quota. Mr. Jones explained that the BOCC has only approved a set amount at this time.

Ms. Martin inquired into the reasons for excluding Islamorada from this service. Mr. Jones replied that only for a temporary period did the County pump out boats south of Key Largo, which was through an unwritten and temporary agreement. Mr. Jones then explained to Mr. Koisch that the County's current pumpout boat is beyond its lifespan and will probably be auctioned off. Trading it in for a new boat is probably not an option since the County is getting out of the pumpout business. Mr. Jones explained to Ms. Martin that typically the lifespan of a vessel of this type is three to five years and the County's current vessel is seven years old, with the last engine installed being three years old. Ms. Martin believes the County should get some kind of monetary gain from that vessel.

### **Item 3. Discussion of annual committee report to the BOCC (and anticipated staff agenda item to discuss the role of the MPAC with the BOCC)**

Chair Hunter introduced this agenda item by stating that at a recent BOCC meeting a commissioner commented that they could not remember the last time the MPAC had made a report. Chair Hunter asked Mr. Jones for insight into what has been done in the past. Mr. Jones explained that Sylvia Murphy is the liaison to this committee for the BOCC. An annual report usually consists of the Chair coming up with a bullet list of things and doing a three to five-minute presentation to the BOCC once a year. Mr. Jones confirmed that he is the vehicle by which the MPAC makes recommendations to the BOCC and the BOCC brings issues to the MPAC to give input on.

Mr. Jones further explained that staff is going to present a discussion item to the BOCC in January to talk about the MPAC's role, and lack of specific duties, to see if the Board desires to define the role and duties of the committee a little bit more. Chair Hunter believes sharing with the BOCC what the MPAC has accomplished may help them lead into what they think the MPAC should be doing. Mr. Worthington stated that the BOCC would know what the MPAC is doing through Mr. Jones' presentations to them, which cannot be consolidated into five minutes. Mr. Jones clarified the difference between the MPAC's recommendations to the BOCC and a presentation of accomplishments of the MPAC. Ms. Martin commented that an annual report has never been given over the 20 years she has been on this committee and suggested Mr. Jones keep a running record of the MPAC's accomplishments to be able to give a short report. Mr. Jones then clarified what Marine Resources' role is compared to the MPAC's role. Ms. Ferguson and Ms. Stafford believe a summary of the agenda items and actions and recommendations from the MPAC can be easily and quickly presented to the BOCC. Mr. Koisch believes it is extremely important that the Chair make this annual report. Mr.

Worthington agreed that presenting a short summary of what the MPAC is doing would be a good idea.

Mr. Hunter suggested, since this task is in the bylaws, that somebody go back over the minutes to see what the motions were, which would encompass the accomplishments. Chair Hunter stated between now and the January BOCC meeting he will work with Mr. Jones to put something together and will continually distribute it until a consensus is achieved among the committee members. Mr. Worthington added the understanding that this is just a reminder to the BOCC on what they have been looking at from reports by Mr. Jones to the BOCC of motions from all of the MPAC meetings throughout the year. Mr. Jones replied that there is a difference between discussion and recommendations and that any recommendation made by the MPAC is taken to the BOCC. Mr. Koisch added that the BOCC receives the minutes of the MPAC's meetings.

**Motion: Mr. Worthington made a motion that Chair Hunter present a summary of the discussions and recommendations of the MPAC to the BOCC. Ms. Stafford seconded the motion.** Ms. Martin suggested clarifying the MPAC's role to the BOCC. Chair Hunter stated that the annual report is just presenting accomplishments of the MPAC over the last year and that Mr. Jones will have a separate agenda item to clarify the MPAC's role. Ms. Ferguson suggested attaching the specific time period of 2012 to the annual report. Ms. Ferguson would also like topics of discussions of the MPAC outlined for the BOCC. **Mr. Worthington amended his motion to specify the calendar year 2012 in the annual report.** Mr. Koisch does not believe the report should be constrained to one year. Chair Hunter commented that the result of the work was actually moved upon in 2012. **There was no opposition. The motion passed unanimously.**

Ms. Martin asked to see Mr. Jones' report on the MPAC's role for input before going to the BOCC. Mr. Jones agreed and stated that anybody can look at the agenda items before the BOCC meeting. Mr. Jones clarified that it would be the BOCC's decision for any changes to the MPAC's role. Mr. Jones reiterated that this will help define or refine the objectives the BOCC sets up for the MPAC. Chair Hunter read aloud the MPAC's charter. Ms. Martin believes the MPAC being responsible for channel marking and derelict vessels is also in the charter. Ms. Martin again voiced concern of the MPAC's role being changed without the MPAC having input. Ms. Ferguson stated that Mr. Jones will present facts, not recommendations, about how to change the MPAC's role, and any committee member can go to that BOCC meeting and give public comment on anything they disagree with. Mr. Worthington believes the MPAC's responsibilities are clear and if the BOCC wants to change that role that is their prerogative.

#### **Item 4. Update on potential new mooring field project for the Keys**

Mr. Jones reported that the BOCC followed the recommendation of the MPAC to proceed with the development of a new mooring field, specifically a public/private partnership mooring field. In a few months staff will take back to the BOCC suggestions for a potential site or sites and information on how a management arrangement would work. Mr. Jones distributed a map of the existing mooring fields and some potential mooring field sites that have been narrowed down. He indicated that the County may ask the MPAC for input on the program. Mr. Jones believes the most suitable sites are in the Upper Keys on the bayside. Staff is working to develop the specifics on the siting of a mooring field and generally how many moorings there should be. Mr. Jones explained the option of doing a feasibility study to recognize some of the hurdles before they happen. An outside consultant could firm up where the mooring field should go, what the anticipated usage would be, how the contractual public/private arrangement might work and how the operations would work. A consultant could seek the permitting, planning and engineering, which would occur during fiscal year 2013, for which the BOCC has budgeted. Staff will be working on this and anticipates bringing this concept back to the MPAC at the next meeting and getting some community involvement before taking it back to the BOCC. Mr. Jones believes the site will be chosen by the process described, including the recommendations of a feasibility study. Buttonwood Sound, which includes Sunset Cove, is one of several current site considerations. Jewfish Creek is another possibility to be looked into. Mr. Jones considers Boca Chica as a more problematic area for mooring field development due to the complex shoal system located there.

#### **Item 5. Overview of Marine Resources duties and projects**

Mr. Jones explained that the handout for this agenda item is an overview of Marine Resources' duties and projects so the committee members can become better familiar with the general projects and services and duties that fall under Marine Resources. This will be the kind of information that goes to the BOCC in January included in the MPAC discussion.

Mr. Worthington asked Mr. Jones to explain what department is monitoring the channel dredging in Key West. Mr. Jones believes that, even though it includes waters beyond 600 feet, the City of Key West has primarily involvement because the dredging directly impacts local commerce and navigation of large ships into Key West.

#### **Item 6. Committee discussion**

Mr. Koisch inquired into the current staffing of Marine Resources. Mr. Jones explained that he is currently the only Marine Resources staff member, but the funds budgeted for two pumpout boats and two staff persons will be freed up when the new pumpout vendor contract is executed, which will allow for an additional professional position in Marine Resources.

**Item 7. Adjournment**

The Marine and Port Advisory Committee meeting was adjourned at 8:11 p.m.